

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT JAY SORENSEN,

Defendant,

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
MOTION TO DISMISS FOR LACK  
OF JURISDICTION

Case No. 2:99-CR-441 TS

---

This matter is before the Court on Defendant's Motion to Dismiss for Lack of Jurisdiction.<sup>1</sup> Defendant argues, under *Wickard v. Filburn*,<sup>2</sup> that the Court lacks subject matter jurisdiction. 18 U.S.C. § 3231 gives the Court subject matter jurisdiction over "all offenses against the laws of the United States." Defendant was charged in a three-count Superseding Indictment with a violation of 21 U.S.C. § 841(d)(2), 21 U.S.C. § 841(a)(2), and 21 U.S.C. § 841(a)(1), all federal statutes. Defendant ultimately pleaded guilty to Counts 1 and 2 of the Indictment. Since the offenses involved here were "against the laws of the United States," the Court has subject matter jurisdiction and Defendant's Motion must be denied. Defendant's

---

<sup>1</sup>Docket No. 133.

<sup>2</sup>317 U.S. 111 (1942).

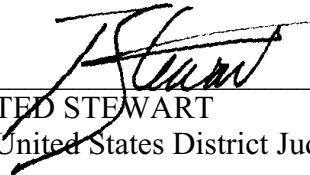
reliance on *Wickard* is misplaced. The fact that “Defendant never registered nor received benefits from any federal agency regulating controlled substances”<sup>3</sup> is inapposite.

It is therefore

ORDERED that Defendant’s Motion to Dismiss for Lack of Jurisdiction (Docket No. 133) is DENIED.

DATED this 20<sup>th</sup> day of August, 2007.

BY THE COURT:



\_\_\_\_\_  
TED STEWART  
United States District Judge

---

<sup>3</sup>Docket No. 133, at 3.